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2 **STATE OF CALIFORNIA**  
3 **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

4 **IN RE: WEEKS WHOLESALE ROSE GROWER WATER SYSTEM**  
5 Water System No. 1503642

6  
7 **TO:** Randy Poe, Plant Manager  
8 Weeks Wholesale Rose Grower  
9 30135 McCombs Road  
Wasco, CA 93280

10 **BY CERTIFIED MAIL**

11  
12 **CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1503642**  
13 **TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION**  
14 **August 2013**

15 **Citation No. 03-19-13C-052**

16 **Issued on November 15, 2013**

17  
18 **STATEMENT OF FACTS**

19 Weeks Wholesale Rose Grower Water System (hereinafter Water System) is classified  
20 as a non-transient non-community Water System and serves a population of  
21 approximately twenty five (25) persons through one (1) service connection. The  
22 Water System has one (1) active source of supply, Well 01 (PS Code: 1503642-001).  
23 No treatment was installed or provided to the water when the Water System  
24 experienced bacteriological quality problems in August 2013. The Water System has  
25 recently installed continuous chlorination treatment at the wellhead and has submitted a  
26 permit amendment application. The Water System operates under the authority of a  
27 domestic water supply permit No. 03-19-06P-002, issued on October 12, 2006, by the

1 California Department of Public Health (hereinafter Department). Due to the recent  
2 addition of the chlorination treatment, the Department will be issuing a permit  
3 amendment to the Water System.  
4

5 The Southern California Drinking Water Field Operations Branch, Division of  
6 Drinking Water and Environmental Management, California Department of Public  
7 Health is responsible for enforcing the Safe Drinking Water Act and regulations  
8 promulgated pursuant thereto.  
9

- 10 • The Water System is required to collect a minimum of one (1) distribution  
11 system bacteriological sample per month. Please refer to the Water System's  
12 approved Bacteriological Sample Siting Plan (BSSP) or Table 64423-A of the  
13 California Code of Regulations (CCR).
- 14 • One (1) routine sample collected on August 28, 2013, from the distribution  
15 system tested positive for total coliform bacteria.
- 16 • All three (3) repeat samples collected on August 30, 2013, from the  
17 distribution system, tested positive for total coliform bacteria.
- 18 • One (1) repeat sample (also counted towards the Ground Water Rule's trigger  
19 source sample) collected on August 30, 2013, from Well #1, tested negative for  
20 total coliform bacteria.
- 21 • None of the total coliform positive samples from the distribution system, tested  
22 positive for *E.coli* bacteria.
- 23 • **Weeks Wholesale Rose Growers Water System failed the total coliform**  
24 **maximum contaminant level (MCL) for August 2013 [Section**  
25 **64426.1(b)(2) Authorities].**
- 26 • On September 17, 2013, Genie Risner of McMor Chlorination, Inc., the Water  
27 System's contracted sampler, notified the Department that the Water System

1 failed the total coliform maximum contaminant level (MCL) for the month of  
2 August 2013. **The Water System failed to notify the Department of the**  
3 **August 2013 total coliform MCL violation within 24 hours of learning of**  
4 **the violation [Section 64426.1(c), *Authorities*].**

- 5 • On September 20, 2013, a public notice and Proof of Notification were emailed  
6 to the Water System for the August 2013 total coliform MCL failure.
- 7 • On September 20, 2013, the Department received signed and dated copies of  
8 the public notice and Proof of Notification. According to these documents,  
9 public notification was completed on September 20, 2013.
- 10 • On September 20, 2013, an investigation report was emailed to the Water  
11 System for the June 2013 total coliform MCL failure.
- 12 • On September 24, 2013, the Department received a completed copy of the  
13 investigation report, in response to the August 2013 total coliform MCL  
14 failure. The investigation report was completed by McMor Chlorination Inc.,  
15 on behalf of the Water System.
- 16 • The investigation report did not identify a possible source of bacteriological  
17 contamination in August 2013. It is noted that the Water System also violated  
18 the total coliform MCL in June 2013. Due to repeated bacteriological MCL  
19 failures and per consultation with the Department and McMor Chlorination,  
20 Inc., the Water System has installed permanent continuous chlorination  
21 treatment at the well.
- 22 • To help clear bacteriological contamination from the distribution system, the  
23 Water System inspected domestic water supply facilities, flushed the  
24 distribution system, and provided emergency disinfection treatment from  
25 September 7, 2013 to September 18, 2013.
- 26 • A permit amendment application, dated September 13, 2013, for addition of  
27 chlorination treatment, was received by the Department on September 25,

2013. An application fee for \$258.00 was also received. Until the Department issues a permit amendment for addition of the chlorination treatment, the Department approves the use of continuous chlorination treatment, under the supervision of a certified water distribution or treatment operator.

- Five (5) routine bacteriological quality samples collected on September 20, 2013, from the distribution system, tested negative for total coliform bacteria.
- Five (5) routine bacteriological quality samples collected on October 11, 2013, from the distribution system, tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2013 to October 2013 are summarized in **Attachment A**.

### **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

**Section 116650 of the California Health and Safety Code** (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

**Section 116655 of the CHSC**, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A** establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

**CCR, Title 22, Section 64426.1** establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

### **DETERMINATIONS**

Based upon the above Statement of Facts and Authorities, the Department determines that the Weeks Wholesale Rose Grower Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for August 2013 when more than one sample collected in August 2013 tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64426.1(c); Specifically, the Water System failed to notify the Department of the August 2013 total coliform MCL violation within 24 hours of learning of the violation.

The above violations are classified as non-continuing violations.

### **DIRECTIVES**

Weeks Wholesale Rose Grower Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and 64426.1(c) of Title 22, California Code of Regulations (CCR).

- 1
- 2       2. In the future, the Water System shall notify the Department of the total
- 3       coliform MCL failures, within 24 hours of learning of the failures.
- 4
- 5       3. The Water System shall reimburse the Department, in accordance with an
- 6       invoice that shall be provided to the Water System, the costs for enforcement
- 7       activities, and such reimbursement shall be made prior to September 1 (or by a
- 8       different date if specified by the Department) of the fiscal year following the
- 9       fiscal year in which such costs are incurred as described in CHSC Section
- 10       116577(a)(1-2) and 116577(b).

11                               **FURTHER ENFORCEMENT ACTIONS**

12       Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the

13       Department to: issue additional citations with assessment of penalties if a public water

14       system continues to fail or correct a violation identified in a citation; take action to

15       suspend or revoke a permit that has been issued to a public water system if the system

16       has violated applicable law or regulations or has failed to comply with orders of the

17       Department; and petition the superior court to take various enforcement measures

18       against a public water system that has failed to comply with orders of the Department.

19       The Department does not waive any further enforcement action by issuance of this

20       citation.

21

22                               **PARTIES BOUND**

23       This citation shall apply to and be binding upon Weeks Wholesale Rose Grower Water

24       System, its officers, directors, agents, employees, contractors, successors, and

25       assignees.

26

27

**SEVERABILITY**

The directives of this citation are severable, and Weeks Wholesale Rose Grower Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTIES**

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) per day as of the date of violation of any provision of this Citation.

Nov. 15, 2013  
Date

Jaswinder S. Dhaliwal  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Drinking Water Field Operations Branch

**Attachment:**

Attachment A: Summary of Bacteriological Samples Collected from January 2013 through October 2013.

Cc: Kern County Environmental Health Services Department (w/o attachment)  
McMor Chlorination, Inc., Contract Sampler (via email)



## **Attachment A**

# ***Weeks Wholesale Rose Grower Water System***

**1503642**

*Distribution System Freq: 1/M*

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/25/2013	9:48	5ROU	A	A		Routine			
1/25/2013	9:48	5ROU	A	A		Routine			
2/15/2013	10:26	2ROU	A	A		Routine			
3/15/2013	10:17	3ROU	A	A		Routine			
4/12/2013	10:30	4ROU	A	A		Routine			
5/17/2013	9:33	5ROU	A	A		Routine			
6/24/2013	11:35	1ROU	P	A		Routine			
6/26/2013	13:51	1REP3	P	A		Repeat		MCL	Citation 03-19-13C-043 issued.
6/26/2013	13:54	1ROU	P	A		Repeat			
6/26/2013	14:03	1REP2	P	A		Repeat			
7/12/2013	10:45	1ROU	A	A		Other			Investigative
7/12/2013	10:45	N/E Corner of Lab	A	A		Routine			
7/12/2013	10:47	4ROU	A	A		Other			Investigative
7/12/2013	10:47	West break Area	A	A		Routine			
7/12/2013	10:50	3ROU	A	A		Other			Investigative
7/12/2013	10:50	Breakroom	A	A		Routine			
7/12/2013	10:52	2ROU	A	A		Other			Investigative
7/12/2013	10:52	Westside Shipping	A	A		Routine			
7/12/2013	10:55	1ROU	A	A		Other			Investigative
7/12/2013	10:55	N/W Corner Outsi	A	A		Routine			
7/19/2013	10:15	5ROU	A	A		Routine			
7/19/2013	10:17	4ROU	A	A		Routine			
7/19/2013	10:20	1ROU	A	A		Routine			
7/19/2013	10:23	3ROU	A	A		Routine			
7/19/2013	10:27	2ROU	A	A		Routine			
8/28/2013	14:45	3ROU	P	A		Routine			
8/30/2013	10:04	3REP3	<1.1	<1.1		Repeat			
8/30/2013	10:07	3REP2	P	A		Repeat			
8/30/2013	10:13	3REP1	P	A		Repeat		MCL	Citation #03-19-13C-052 issued.
8/30/2013	10:16	3ROU	P	A		Routine			
9/20/2013	9:55	3ROU	A	A		Routine			
9/20/2013	9:58	4ROU	A	A		Routine			
9/20/2013	10:00	5ROU	A	A		Routine			
9/20/2013	10:05	2ROU	A	A		Routine			
9/20/2013	10:07	1ROU	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
10/11/2013	10:20	4ROU	A	A		Routine	0.49		
10/11/2013	10:25	5ROU	A	A		Routine	0.58		
10/11/2013	10:30	2ROU	A	A		Routine	0.42		
10/11/2013	10:35	1ROU	A	A		Routine	0.49		
10/11/2013	10:39	2ROU	A	A		Routine	0.21		

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## ***Weeks Wholesale Rose Grower Water System***

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***1503642***

***Source Monitoring Freq:***

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
6/26/2013	13:59	001	A	A			
8/30/2013	10:04	001	<1.1	<1.1			

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